

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, April 15, 2004 at 9:00 a.m. in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN.

Those present were: Max Billingsley, Chairman; David Mathews, Board Member; Marshall H. (Pete) Ragan, Board Member; Dave Gilbert, Public Board Member; Scott Ledford, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

The meeting was called to order at 9:10 a.m. by Chairman Max Billingsley.

Scott Ledford presented the following complaints for review:

Complaint #200316320 – Board vs. Gilpatrick –

This complaint alleges that the respondent has been practicing on an expired license. An investigation confirms the allegation, disclosing unlicensed practice in the form of a plat that is dated after the date the respondent's license expired (12-31-99), telephone book listings and invoices for surveying work, including giving a deposition as an expert witness. The respondent claims not to know that his license has expired.

Pete Ragan made a motion to bring the respondent in for an informal conference and that the staff attorney is to notify the respondent that he is to cease and desist practicing land surveying in the state of Tennessee. David Mathews seconded the motion. The motion carried unanimously.

Complaint #200317598 –

This complaint is still pending in investigations.

Complaint #200418471 – Board vs. SurveyAmerica –

This complaint is against a surveying company that is located out of state. This company advertises surveying services in Tennessee despite not having any Tennessee registrants in its employ. The respondent asks for project bids from Tennessee registrants and then subcontracts its Tennessee jobs to the lowest bidder.

Based on the staff attorney's recommendation, Pete Ragan made a motion to send the respondent a Cease and Desist letter referring to the Board's opinion "that the way you are advertising on your website and whatever other means you might have at your disposal shows that you are soliciting surveying in Tennessee." David Mathews seconded the motion. The motion carried unanimously.

Complaint #200418789 – Pitts vs. Cagle –

The staff attorney recommended dismissal of this complaint based on the fact that the complainant did not provide any factual basis for the complaint. Pete Ragan made a motion to hold the complaint open for another month and inform the complainant to take another look at the law book that was received with the complaint form packet and maybe get some help writing the complaint in a way that will point to some actual violations of the law. Dave Gilbert seconded the motion. Mr. Ragan then revised his motion to close the complaint and send the complainant a letter asking her for the information and get some assistance in completing her complaint form. Dave Gilbert seconded the motion. The motion carried 3-1. Max Billingsley abstained from voting due to prior knowledge of the complaint.

Complaint #200418481 – Jones vs. Holbrook –

This complaint alleges overcharging for fees, possibly for work that was not performed. The respondent responded with a detailed list of the work he performed.

The staff attorney recommended dismissal based on the fact that the Board has no jurisdiction over this matter. Dave Gilbert made a motion to dismiss this complaint based on the attorney's recommendation. David Mathews seconded the motion. The motion carried unanimously.

NEW BUSINESS:

The Board then reviewed a letter from Monroe Elliott, father of Clint Elliott, an applicant whose application for licensure was denied in March 2004. Max Billingsley recommended that the Board staff is to send Mr. Elliott a letter informing him that his son did not comply with the application process and that his son was not being asked to do anything that other applicants are not asked to do.

Pete Ragan made a motion to accept the Chairman's recommendation. Dave Gilbert seconded the motion. The motion carried unanimously.

Pete Ragan then made a motion for Chairman Billingsley to review the letter to Mr. Elliott before it is mailed out. Dave Gilbert seconded the motion. The motion carried unanimously.

The Board then reviewed a letter from Ron Coleman of the City of Gallatin. Max Billingsley made a motion to draft, along with the staff attorney, a letter to Mr. Coleman. Pete Ragan seconded the motion. The motion carried unanimously.

Minutes of the January 2004 and March 2004 meetings were reviewed. Pete Ragan made a motion to approve the January 2004 minutes as written with typographical corrections made. David Mathews seconded the motion. The motion carried unanimously. Pete Ragan made a motion to approve the March 2004 as written, with some minor corrections made. Dave Mathews seconded the motion. The motion carried unanimously.

The Board then reviewed and revised the changes to the Standards of Practice.

There being no further business, the meeting adjourned at 4:20 p.m.

Respectfully submitted,

Donna Moulder
Administrative Director

K. Max Billingsley, Chairman

Marshall H. (Pete) Ragan

David L. Mathews

Dave B. Gilbert